

AMENDED IN ASSEMBLY JANUARY 4, 2016

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 948**

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**Introduced by Assembly Member Patterson**

February 26, 2015

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An act to amend Section 61040 of, and to add ~~Section~~ *Sections* 61040.3 and 61040.4 to, the Government Code, relating to local government.

### LEGISLATIVE COUNSEL'S DIGEST

AB 948, as amended, Patterson. Local government: community service districts.

The Community Services District Law ~~authorizes the establishment of community services districts to provide various services to the geographic area within each district, and further authorizes specified community services districts to enforce covenants, conditions, and restrictions within that district, as provided. Existing law requires the board of directors of the district to consist of 5 people, and requires, among other things, that each member of the board of directors be a voter of the district, as specified.~~ *specifies the procedures for district formation, procedures for the selection of district governing board members, the powers and duties of the board, and the procedures for changing those powers and duties. Existing law requires the board of directors of each district to consist of 5 members.*

This bill would authorize ~~a person to serve on the Board of Directors~~ *the board of directors* of the Sierra Cedars Community Services District

~~if he or she holds title to land within the district, to consist of 3 members, if the board of directors receives a petition signed by a majority of voters requesting a reduction in the number of board members and thereafter adopts a resolution that orders the reduction, as specified. The bill would also authorize the board, if the number of members is reduced to 3, to adopt a resolution to increase the number of members from 3 to 5, as specified.~~

This bill would make legislative findings and declarations as to the necessity of a special statute for Sierra Cedars Community Services District.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 61040 of the Government Code, as  
2 amended by Section 1 of Chapter 505 of the Statutes of 2014, is  
3 amended to read:

4 61040. (a) ~~Except as provided in Section 61040.1, Sections~~  
5 ~~61040.1 and 61040.3,~~ a legislative body of five members known  
6 as the board of directors shall govern each district. The board of  
7 directors shall establish policies for the operation of the district.  
8 The board of directors shall provide for the implementation of  
9 those policies which is the responsibility of the district's general  
10 manager.

11 (b) ~~Except as provided in Section 61040.3, no~~ No person shall  
12 be a candidate for the board of directors unless he or she is a voter  
13 of the district or the proposed district. No person shall be a  
14 candidate for the board of directors that is elected by divisions or  
15 from divisions unless he or she is a voter of that division or  
16 proposed division.

17 (c) All members of the board of directors shall exercise their  
18 independent judgment on behalf of the interests of the entire  
19 district, including the residents, property owners, and the public  
20 as a whole in furthering the purposes and intent of this division.  
21 Where the members of the board of directors have been elected  
22 by divisions or from divisions, they shall represent the interests of  
23 the entire district and not solely the interests of the residents and  
24 property owners in their divisions.

1 (d) Service on a municipal advisory council established pursuant  
2 to Section 31010 or service on an area planning commission  
3 established pursuant to Section 65101 shall not be considered an  
4 incompatible office with service as a member of a board of  
5 directors.

6 (e) A member of the board of directors shall not be the general  
7 manager, the district treasurer, or any other compensated employee  
8 of the district, except for volunteer firefighters as provided by  
9 Section 53227.

10 (f) This section shall be repealed on January 1, 2035.

11 SEC. 2. Section 61040 of the Government Code, as added by  
12 Section 2 of Chapter 505 of the Statutes of 2014, is amended to  
13 read:

14 61040. (a) ~~A~~*Except as provided in Section 61040.3*, legislative  
15 body of five members known as the board of directors shall govern  
16 each district. The board of directors shall establish policies for the  
17 operation of the district. The board of directors shall provide for  
18 the implementation of those policies which is the responsibility of  
19 the district's general manager.

20 (b) ~~Except as provided in Section 61040.3, no~~*No* person shall  
21 be a candidate for the board of directors unless he or she is a voter  
22 of the district or the proposed district. No person shall be a  
23 candidate for the board of directors that is elected by divisions or  
24 from divisions unless he or she is a voter of that division or  
25 proposed division.

26 (c) All members of the board of directors shall exercise their  
27 independent judgment on behalf of the interests of the entire  
28 district, including the residents, property owners, and the public  
29 as a whole in furthering the purposes and intent of this division.  
30 Where the members of the board of directors have been elected  
31 by divisions or from divisions, they shall represent the interests of  
32 the entire district and not solely the interests of the residents and  
33 property owners in their divisions.

34 (d) Service on a municipal advisory council established pursuant  
35 to Section 31010 or service on an area planning commission  
36 established pursuant to Section 65101 shall not be considered an  
37 incompatible office with service as a member of a board of  
38 directors.

39 (e) A member of the board of directors shall not be the general  
40 manager, the district treasurer, or any other compensated employee

1 of the district, except for volunteer firefighters as provided by  
2 Section 53227.

3 (f) This section shall become operative on January 1, 2035.

4 ~~SEC. 3. Section 61040.3 is added to the Government Code, to~~  
5 ~~read:~~

6 ~~61040.3. Notwithstanding subdivision (b) of Section 61040, a~~  
7 ~~person may be a candidate for the board of directors of the Sierra~~  
8 ~~Cedars Community Services District if he or she holds title to land~~  
9 ~~within the district.~~

10 *SEC. 3. Section 61040.3 is added to the Government Code, to*  
11 *read:*

12 *61040.3. (a) The board of directors of the Sierra Cedars*  
13 *Community Services District may consist of three members.*

14 *(b) (1) Prior to reducing the board of directors to three*  
15 *members pursuant to subdivision (a), the board of directors, after*  
16 *receiving a petition signed by a majority of voters requesting a*  
17 *reduction in the number of board members, shall adopt, by a*  
18 *recorded majority vote of the entire board of directors, a resolution*  
19 *proposing to reduce the number of directors to three members.*

20 *(2) The district shall hold a public hearing regarding the*  
21 *proposal to reduce the number of directors.*

22 *(3) Notice of the public hearing shall be given by placing a*  
23 *display advertisement of at least one-eighth page in a newspaper*  
24 *of general circulation for three weeks, pursuant to Section 6063,*  
25 *and by United States first-class mail to each landowner voter in*  
26 *the district, postage prepaid, and notice shall be deemed given*  
27 *when deposited in the mail. The envelope or cover of the mailing*  
28 *shall include the name of the local agency and the return address*  
29 *of the sender and the mailed notice shall be in at least 10-point*  
30 *type.*

31 *(4) The public hearing shall be held at least 45 days after*  
32 *mailing the notice pursuant to paragraph (3).*

33 *(5) At the hearing the board shall receive and consider any*  
34 *written or oral comments regarding the proposed reduction in the*  
35 *number of directors. After receiving and considering the comments,*  
36 *the board, by a recorded majority vote of the entire board of*  
37 *directors shall do either of the following:*

38 *(A) Disapprove the proposal.*

39 *(B) Adopt a resolution that orders the reduction in the number*  
40 *of members of the board to three members.*

1     (c) A reduction in the number of directors pursuant to this  
2     section shall not affect the term of office of any director. A director  
3     currently holding office as of the effective date of the reduction in  
4     the number of members of the board of directors shall continue to  
5     be the director until the office becomes vacant by means of term  
6     expiration or otherwise.

7     SEC. 4. Section 61040.4 is added to the Government Code, to  
8     read:

9     61040.4. (a) If the number of members of the board of directors  
10    of the Sierra Cedars Community Services District is reduced  
11    pursuant to Section 61040.3, the board may increase the board to  
12    five members.

13    (b) (1) Prior to increasing the board of directors to five  
14    members pursuant to Section 61040.3, the board of directors shall  
15    adopt, by a recorded majority vote of the entire board of directors,  
16    a resolution proposing to increase the number of directors to five  
17    members.

18    (2) The district shall hold a public hearing regarding the  
19    proposal to increase the number of directors.

20    (3) Notice of the public hearing shall be given by placing a  
21    display advertisement of at least one-eighth page in a newspaper  
22    of general circulation for three weeks, pursuant to Section 6063,  
23    and by United States first-class mail to each landowner voter in  
24    the district, postage prepaid, and notice shall be deemed given  
25    when deposited in the mail. The envelope or cover of the mailing  
26    shall include the name of the local agency and the return address  
27    of the sender and the mailed notice shall be in at least 10-point  
28    type.

29    (4) The public hearing shall be held at least 45 days after  
30    mailing the notice pursuant to paragraph (3).

31    (5) At the hearing the board shall receive and consider any  
32    written or oral comments regarding the proposed increase in the  
33    number of directors. After receiving and considering the comments,  
34    the board, by a recorded majority vote of the entire board of  
35    directors shall do either of the following:

36    (A) Disapprove the proposal.

37    (B) Adopt a resolution that orders the increase in the number  
38    of members of the board to five members.

1     (c) *If the board adopts a resolution to increase the number of*  
2     *directors pursuant to this section, it shall not subsequently reduce*  
3     *the number of directors pursuant to Section 61040.3.*

4     ~~SEC. 4.~~

5     SEC. 5. The Legislature finds and declares both of the  
6     following:

7     (a) That a special law is necessary and that a general law cannot  
8     be made applicable within the meaning of Section 16 of Article  
9     IV of the California Constitution because of the unique  
10    circumstances relating to the ~~types of residences within composition~~  
11    *of the board of directors of the Sierra Cedars Community Services*  
12    District.

13    ~~(b) That this act does not prohibit a registered voter within the~~  
14    ~~Sierra Cedars Community Services District from being a qualified~~  
15    ~~candidate for the board of that district, regardless of whether he~~  
16    ~~or she owns property within the district.~~